

**PRINCE GEORGE'S COUNTY COUNCIL  
AGENDA ITEM SUMMARY**

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**Meeting Date:** 11/14/2000**Reference No.:** CB-87-2000**Proposer:** Shapiro**Draft No.:** 3**Sponsors:** Shapiro

**Item Title:** An Ordinance concerning vehicle, mobile home and camping trailer sales and service for the purpose of requiring lots to be 25,000 square feet or more for vehicle sales in the commercial zones, and providing for amortization by August 31, 2003, of uses which are not in compliance

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**Drafter:** Jackie Brown  
PZ&ED Committee Director**Resource** Cheryl Harrington  
**Personnel:** Legislative Aide

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**LEGISLATIVE HISTORY:****Date Presented:** 9/26/2000**Executive Action:** \_\_/\_\_/\_\_\_\_ \_\_**Committee Referral:** 9/26/2000 PZED**Effective Date:** 1/2/2001**Committee Action:** 10/11/2000 FAV(A)**Date Introduced:** 10/17/2000**Public Hearing:** 11/14/2000 1:45 P.M.**Council Action:** 11/14/2000 ENACTED**Council Votes:** DB:A, JE:A, IG:A, TH:A, WM:A, RVR:A, AS:A, PS:A, MW:A**Pass/Fail:** P**Remarks:** \_\_\_\_\_

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**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 10/11/2000

Committee Vote: Favorable with amendments, 3-0-1 (In favor: Council Members Russell, Scott and Wilson. Abstained: Council Member Maloney).

Staff summarized the amendments to the Commercial Use Tables concerning vehicle repair, sales and rental uses proposed by this legislation. A new footnote (Footnote 36) is proposed in the tables to require a minimum 40,000 square foot lot size for these uses. Additionally, Footnote 36 provides that all such uses located on property less than 40,000 square feet in existence prior to September 1, 2000 may continue operation for no more than three years.

Council Member Shapiro, the bill's sponsor, indicated to the Committee that he proposed this legislation to assist the revitalization efforts in his district where there are numerous small used car sales lots that are no longer appropriate and which are inhibiting other more appropriate uses from locating in these areas. Mr. Shapiro also commented that since his primary concern is the used car sales lots, the bill should be amended to remove Footnote 36 containing the minimum lot size requirement for the vehicle, mobile home, or camping trailer repair and service station and vehicle or camping trailer rental categories. As a result, the legislation would only impact the used car sales lots. Additionally, Mr. Shapiro requested that the Item Title of the bill be amended to indicate the amortization for these uses also proposed by the legislation.

The Planning Board supports the legislation with amendments in accordance with the Planning staff's background discussion and recommendation. The Planning staff commented that the minimum size of 40,000 square feet seems reasonable when applied to vehicle dealerships and sales. However, if it is applied to other automotive-related uses, including vehicle repair and service stations, it would probably eliminate a very large number of those currently existing in the county. It is recommended this legislation apply only to vehicle sales lots, and not other automotive-related uses. In addition, the legislation is not entirely clear about the consequence after three years. If the uses are intended to disappear or to be amortized rather than be deemed nonconforming, that should be clarified.

Faroll Hamer, representing the Planning Board, addressed the Committee indicating that based on a request by Council Member Shapiro, the Planning Department conducted an inventory of automotive-related uses along US 1 within the Regional District from the District of Columbia boundary to the Laurel boundary. Ms. Hamer indicated that the legislation would affect 17 existing automotive sales uses along this corridor. Council Member Russell commented on the existence of such uses along MD 202 and Marlboro Pike in the areas of Bladensburg and Coral Hills. Mr. Russell inquired if the Planning Department had any information on the lot sizes of the automotive sales in those areas. Ms. Hamer commented that the information could be obtained and provided at a later date.

Council Member Maloney raised several concerns that were discussed at length by the Committee. Mr. Maloney questioned the justification of putting these uses out of business within three years instead of establishing a minimum lot size for prospective used car sales lots and allowing existing businesses to remain as nonconforming uses. Mr. Maloney also inquired about the reasoning associated with requiring a minimum lot size for the vehicle sales, but not the repair/service station and rental categories.

The Committee discussed the use and occupancy permit procedure if an owner of an existing business changes but the use remains the same, and if the problem could be addressed by not allowing any new use and occupancy permits for a different used car sales business on the same property. Council Member Shapiro indicated that this provision would not address his concerns in as timely a manner as the requirements proposed in this legislation because existing businesses could remain indefinitely without needing to obtain a new use and occupancy permit.

Michele LaRocca, of Meyers, Rodbell & Rosenbaum, P.A., spoke in support of removing the vehicle repair/service station use from the legislation so that the minimum 40,000 square foot lot

size does not apply to these uses. Lawrence Taub, of O'Malley, Miles, Nylen & Gilmore, P.A., addressed the Committee suggesting an amendment to reduce the minimum lot size to 20,000 or 25,000 square feet.

The County Executive takes no position on CB-87-2000. The Legislative Officer and the Office of Law find the bill to be in proper legislative form. The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting this legislation.

Council Member Wilson made a motion for a favorable report including the amendments proposed by Council Member Shapiro to remove the vehicle repair/service station and rental uses, amend the title concerning amortization and the Planning staff's comment to clarify in Footnote 36 that uses will be amortized. Council Member Scott seconded the motion.

Council Member Maloney made a motion to amend the original motion to include the revision of Footnote 36 to allow existing businesses to continue as nonconforming uses. The motion failed due to lack of a second. Mr. Maloney made a motion to amend the footnote to allow existing businesses to continue with a provision that no new use and occupancy permits may be obtained. The motion failed due to lack of a second.

The Committee voted 3-0-1 on the original motion. After the vote, Council Member Russell indicated that based on Ms. Hamer's comment that the legislation would affect 17 businesses along US 1 and require them to cease operation or relocate within three years, it may be necessary to revisit the provisions of the legislation based on the number of businesses throughout the County that would be affected. Ms. Hamer indicated that the inventory on the affected businesses in the remainder of the County would be provided prior to the public hearing on this legislation.

## **BACKGROUND INFORMATION/FISCAL IMPACT**

**(Includes reason for proposal, as well as any unique statutory requirements)**

Vehicle, mobile home, camping trailer sales and repair services are permitted by special exception in the C-S-C Zone and by right in the C-M Zone. This legislation establishes a minimum 40,000 square foot lot size for vehicle, mobile home and camping trailer sales. CB-87-2000 also provides for amortization of uses that do not meet the minimum lot size requirement by August 31, 2003.

## **CODE INDEX TOPICS:**